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12-4-02

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**To:** Examiner Patricia Winder

**Re:**

**Firm:** PTO

**Date / Time:** May 17, 2002

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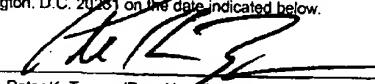
**No. of Pages:** 7 (including cover)

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By 

Peter K. Trzyna (Reg. No. 32,601)

PATENT

Paper No. 20

Date 2 Dec 2002

Our File No. AIS-P99-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor	:	MARKS, Daniel L.
Serial No.	:	09/399,578
Filed	:	09/20/1999
For	:	GROUP COMMUNICATIONS MULTIPLEXING SYSTEM
Group Art Unit	:	2155
Examiner	:	WINDER, Patrice L.

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Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**TRANSMITAL LETTER**

SIR:

Transmitted herewith for filing in the above-identified patent application is the following:

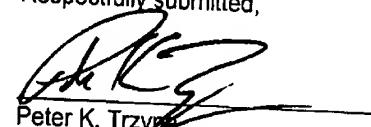
1. Response and Request for Further Consideration.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235. If any extension of time is deemed necessary to respond, this communication shall be deemed a request therefore.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

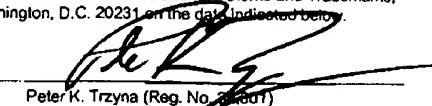
Date: 2 Dec 2002

  
Peter K. Trzyzgowski  
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I hereby certify that this correspondence is being filed by facsimile with a confirmation copy being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date indicated below.

By 

Peter K. Trzyna (Reg. No. 2,860,1)

PATENT

Paper No. 20

Date 2 Dec 2002

Our File No. AIS-P99-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor	:	MARKS, Daniel L.
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Examiner	:	WINDER, Patrice L.

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Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RESPONSE AND REQUEST FOR RECONSIDERATION**

SIR:

In response to the Office Action mailed 2 October 2002, in the above-referenced patent application, please reconsider the application in view of the remarks set forth below.

In the Office Action the Examiner has solicited information to assist in the examination of the patent application.

In response, especially pursuant to paragraph 6 in the Office Action, it is respectfully submitted that I am a sole practitioner patent attorney who has limited information with which to respond. I acquired rights to the patent application from a company that I believe went out of business years ago. I have attempted to

communicate with people who were involved and who might be able to assist in me in responding to this Office Action, but I have not received any response.

To assist the Examiner, and in response to the Office Action, I write largely from my personal belief, rather than factual knowledge, and I imagine representative products and services today embodying the disclosed subject matter, or generally on point, include user-authenticated Internet multimedia products or services operating in real time, for example, multimedia instant messenger products, such as America On Line's ICQ and AIM, Internet multi-media chat rooms, such as those on Yahoo. Microsoft's Netmeeting, apparently released after the priority date of this application, may well also be relevant. This information was previously filed in connection with this patent application.

I believe that the state of the art at the time of the invention is perhaps best represented in the book "AOL.com" by Kara Swisher (filed in connection with this patent application), which discusses this era when users dialed directly into companies like AOL, a different beast than Internet connecting of today (see the 12<sup>th</sup> unnumbered page of pictures after page 174 "battling busy signals became a way of life for AOL users in late 1996..." and note the distinction on page 133: "The Internet was a pipe not a place, and AOL was a place with a pipe;" see also page 188 regarding how AOL was a portal to the Internet; and see the discussion of AOL hardware at 179, etc.). Compare with the claimed connecting... through the Internet. It is also believed that at this time, modems were very slow for an application such as handling multimedia in real time.

In the book, note page 131 that:

Once again, Bill gates would change the game. On December 7, 1995, in a major speech, he declared that his company was going shift its entire business focus on the Internet. In addition, MSN would be porting its

recently launched recently launched proprietary service to the web, initiating a massive redesign..."

With regard to testing age as part of the authentication process (e.g., claims 77-152, see the discussion beginning at page 141 regarding AOL developing adult supervision after the priority date of the instant patent application; see also page 223 etc. regarding "The House that Sex Chat Built." It is believed that authentication in the abstract probably existed, but it would be many years after the priority date of the instant patent application that ICQ and AIM would be able to handle multimedia instant messages and Yahoo would have voice text chat rooms, in connection with authentication.

Respectfully, it is my belief (with great uncertainty) that CUCME is perhaps the closest prior art because of what I understand was some multimedia capability, but such that users could dial in and participate under whatever name they opted for in the moment, in contrast with the claimed authentication.

As to claims covering on line authentication, 160 etc., I have little knowledge, and I believe that such software was loaded in connection with selling a computer (see the book at page 138 "Apple agreed to include AOL software on all Macintosh computers") or was perhaps provided by manual distribution of a disk or the like by mail, in the manner of the ubiquitous AOL CDs today. This is in contrast with an Internet media company such as Napster, which subsequent to the effective priority date of the instant patent application, has offered on line registration for downloading software.

The Examiner's attention is drawn to the portion of the instant patent application titled BACKGROUND OF THE INVENTION, which is believed to be accurate

on point.

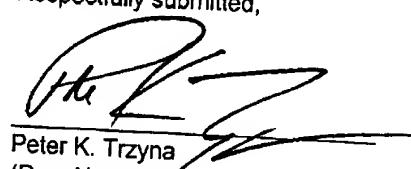
I am sorry that I have limited knowledge, and I already made of record those materials believed to be responsive to the questions raised in the Office Action. I would welcome the Examiner's call if I can assist further, as best I can, in cooperatively progressing into this subject matter. To some extent, the relatively large number of claims is attributable to my personal uncertainty in the art.

The undersigned wishes to take this opportunity to express appreciation in advance for the Examiner's handling of this case. The undersigned appreciates that this patent application is not directed to easy subject matter. In keeping with the spirit of paragraph 6 of the Office Action, the Examiner is invited to contact the undersigned if it can in any way expedite or ease the handling of this case.

The application, as amended, is believed to be in condition for allowance, and favorable action is requested. If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

Respectfully submitted,

Date: 2 Dec 2002

  
Peter K. Trzyna  
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